

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye
held in City Hall on June 7, 2017, at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

None

The Council convened at 5:30 P.M. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the Executive Session at 7:55 P.M. The regular meeting convened at 8:07 P.M.

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Sack asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. General Announcements.

Councilwoman Tagger-Epstein congratulated Joseph Murphy and the Senior Advocacy Committee for a great Senior Summit Event. She was happy to report that the Anti-Defamation League will be incorporated into the high school with their “No Place for Hate” campaign. She also announced that on Friday evening, June 9, 2017 from 7:00 to 10:00 P.M., there will be a fundraiser for the Rye City School District sound equipment. Lastly, she announced that Rye middle and high school students have become a part of the Big Picture Foundation, empowering students in the community to use the arts to bridge gaps between Rye children and refugee children throughout the world.

Councilman McCartney announced that Memorial Day was a success, despite the rain. Following that event, there was a charity golf tournament at the Rye Golf Club, with

funds donated to the American Legion. He also announced that the pool opened at the Rye Golf Club with some improvements for the 2017 season. He said the golf course was open and in great shape. He also said that Lessings, the management company for Whitby Castle, has been doing a great job. On the Recreation front, summer camps are mostly filled. He also said that on June 24, 2017, the Second Annual Food Truck Festival will be held from 1:00 to 5:00 P.M. at Rye Recreation Center. Councilman McCartney said that there have been two Disbrow Park Master Plan meetings so far, with the last one on June 20, 2017. The consultant will make a presentation to the City Council on July 12, 2017 after surveying and studying the community with their recommendations for the park.

Councilwoman Killian announced that Rye ACT and Rye High School will hold an event called "Hidden in Plain Sight" on June 20, 2017 at 7:00 P.M. She stated she attended a new initiative by Westchester County called Project WORTHY, a County program with useful resources for mental health and drug prevention.

Councilwoman Hurd stated she attended the Chamber's annual Spring Soiree at the Westchester Children's Museum. The Westchester Children's Museum has seen over 50,000 children since last year and is currently looking for food vendors. She also said that Rye Historical Society recently held their annual fundraiser. She thanked Councilman McCartney for his remarks during the Memorial Day ceremony and thanked all who have served in our armed forces.

4. Draft unapproved minutes of the regular meeting of the City Council held May 17, 2017.

Councilman McCartney made a motion, seconded by Councilwoman Hurd, to adopt the minutes of the regular meeting of the City Council held May 17, 2017.

5. Issues Update/Old Business.

Kent Iarocci, 5 Charlotte Street, updated the City Council on the pedestrian traffic issue of the Haviland Lane/ Boston Post Road area. He stated concern over the issue of traffic safety at location. He discussed his six-point plan for that area with hope that there could be improvement.

Councilwoman Tagger-Epstein thanked Mr. Iarocci for his thoughtfulness around the issue. She mentioned the idea that was brought up at a Traffic and Pedestrian Safety Committee meeting about a right turn only lane.

Councilwoman Hurd asked about next steps with respect to the Master Plan. Mayor Sack responded that City Planner Miller is working with the consultant to set up a public meeting on the Master Plan.

Councilwoman Killian stated that she was hopeful to re-consider the issue of speed bump legislation within the City of Rye.

6. Presentation of the City of Rye Stormwater Management Program 2016 Annual Report.

City Engineer Coyne presented to the Council. He stated that the City is required by the DEC to implement a stormwater management program with an annual presentation. He said that the six requirements of the report were as follows: Annual presentation and outreach, public involvement, prevention of inflow and infiltration, construction and post-construction run-off, and municipal operations.

7. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

Corporation Counsel Wilson advised the Council to adjourn the matter to the July 2017 City Council meeting. She also announced that Crown Castle had filed a federal lawsuit on May 11, 2017, and subsequently filed a temporary restraining order (TRO) on May 12, 2017. On May 26, 2017, the City, in lieu of answering the complaint, moved to dismiss. The City also filed the opposition to the TRO on June 6, 2017. Crown Castle informed the City that they will be opposing the City's motion to dismiss.

8. Consideration to set a Public Scoping Meeting for July 12, 2017 on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

Corporation Counsel Wilson stated that the City rendered a positive declaration under SEQRA. The next step in the SEQRA process is to hold a public hearing on the scoping document within the environmental impact statement.

Josh Cohn, 24 Green Avenue, suggested that the scoping meeting be held in September 2017. Councilwoman Tagger-Epstein responded that while she understood the sentiment, it is a time-sensitive issue and important to at least start discussion in July.

Councilman Mecca made a motion, seconded by Councilman McCartney, to set a Public Scoping Meeting for July 12, 2017 on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

9. Authorization for the City Manager to enter into an agreement with Best, Best & Krieger LLP (BB&K) to participate in the Federal Communications Commission's Infrastructure Dockets.
Roll Call.

Corporation Counsel Wilson stated that the City's telecommunications counsel is heavily involved in a coalition concerning the FCC's Infrastructure Dockets.

Councilwoman Hurd named some of the many municipalities that would also be a part of the coalition.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to authorize the City Manager to enter into an agreement with Best, Best & Krieger LLP (BB&K) to participate in the Federal Communications Commission's Infrastructure Dockets.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and Tagger-Epstein

NAYS: None

ABSENT: None

10. Consideration to set a Public Hearing for July 12, 2017 to amend local law Chapter 161, "Sewers", of the Rye City Code by amending Article II, "Sewer Rents", to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

City Manager Serrano stated that in review of the budget, this would raise fees in order to offset the cost of sewer management, while saving tax payer dollars. There was discussion over sewer districts with regard to the sewer rent fees. Councilwoman Hurd asked for confirmation that Suez and Joint Water Works were on board with this initiative.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein, to set a Public Hearing for July 12, 2017 to amend local law Chapter 161, "Sewers", of the Rye City Code by amending Article II, "Sewer Rents", to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

11. Consideration of a Resolution to petition the Public Service Commission (PSC) to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to set a Public Hearing for July 12, 2017 to consider the following resolution:

WHEREAS, Chapter 433 of the laws of 2013 provides that a municipality as defined therein may apply to the Public Service Commission to have any infrastructure maintenance and access costs it is charged by a water-works corporation to be charged to all customers

across all customer classes located in the municipality provided the municipality has held a public hearing with notice on the matter and has adopted a resolution and determined by a majority vote of the total voting strength of its governing body that it is in the overall public interest to have such costs charged to all customers across all customer classes; and

WHEREAS, the City of Rye duly held a public hearing with notice on the matter.

NOW, THEREFORE, BE IT RESOLVED, after a public hearing, that the City of Rye determines that it is in the overall public interest to have such costs charged to all customers across all customer classes; and

BE IT FURTHER RESOLVED, that the City Manager shall make an application to the Public Service Commission by transmittal of this Resolution and any other necessary papers requesting that the costs for infrastructure maintenance and access be included in the rate charges to all customer classes and apportioned amount all customers located in this municipality.

12. Consideration of a Resolution to petition the Westchester Joint Water Works (WJWW) Transportation Corporation Board to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to set a Public Hearing for July 12, 2017 to consider the following resolution:

WHEREAS, the City would like to have any infrastructure maintenance and access costs it is charged by a Westchester Joint Water Works to be charged to all customers across all customer classes located in the municipality; and

WHEREAS, the City of Rye duly held a public hearing with notice on the matter.

NOW, THEREFORE, BE IT RESOLVED, after a public hearing, that the City of Rye determines that it is in the overall public interest to have such costs charged to all customers across all customer classes; and

BE IT FURTHER RESOLVED, that the City Manager shall make an application to the Westchester Joint Water Works Board by transmittal of this Resolution and any other necessary papers requesting that the costs for infrastructure maintenance and access be included in the rate charges to all customer classes and apportioned amount all customers located in this municipality.

13. Discussion on a November, 2017 Referendum to the qualified voters of the City of Rye a proposition for an investment in downtown parking and an investment in fields.

Mayor Sack stated that lack of downtown parking and lack of field space are two top issues among residents. Both issues require real estate and funding to fix. He felt it was important to consider acquiring land for these items. He discussed the problem in the central business district with regard to parking, which may take some time and discussion. With regard to fields, the NYS Thruway property has been discussed in the past. He felt it important for the Council to discuss this property at this time.

Councilwoman Killian said that she would like to look into the idea of decking next to the police station for parking.

Councilwoman Hurd stated that she looked forward to a vibrant public discussion and the possibility of Rye Country Day purchasing the property, with the City benefitting from the purchase.

Councilman McCartney commented that for many years, he coached sports, spending hundreds of hours at Disbrow Park. He said that a major need would be an overhaul of both the fields and of DPW. He discussed the Disbrow Master Plan consultant and the vast majority of those who have attended the public meeting favored moving DPW, while keeping a beautiful park. He felt it important to at least keep an open mind about the idea until the Council hears from the consultant on July 12, 2017.

Councilman Mecca stated that the current state of Disbrow Park is undesirable with DPW being located within the middle of the park. The City now has an opportunity to fix that issue and house DPW at a perfect location, next to the Thruway.

Councilwoman Killian said she felt the condition of the roads was the most important issue. She was hopeful to bond in the future to secure funding to maintain and improve the roadways.

Councilwoman Tagger-Epstein felt that the conversation was starting late on the issues. However, she felt it was important to have a cost analysis to give the voters tangible information to move forward with a referendum.

Councilwoman Bucci felt the opportunity was too important to miss. She was hopeful to have the issues resolved this summer.

Andrea Sullivan, Board of Trustees President of Rye Country Day School, addressed the Council. She reiterated the school's interest with the plan about possibly purchasing the Thruway property. She stated she opposed moving the DPW to the Thruway property. She asked that communication remain open on the issues. There was general discussion over working together on this endeavor.

Meghan Millowitz, 10 Thistle Lane, said that Loudon Woods residents were hopeful that the development of the Thruway property could be aesthetically pleasing.

Richard Smith, Rye resident, said that the Rye Park neighborhood did not have an opinion on the issue yet, but was concerned primarily with traffic. He said he would be happy to attend the upcoming meetings on the Disbrow Park Master Plan to consider the issues. He said that there had been no discussion on the neighborhood's part on the possibility of the Thruway property being turned into fields.

Councilman McCartney made a motion, seconded by Councilman Mecca, to set a public hearing for July 12, 2017 on the proposal of a Referendum to the qualified voters of the City of Rye a proposition for an investment in investment in fields of the Thruway Authority.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Killian, McCartney, Mecca and Tagger-Epstein
NAYS: Councilwoman Hurd
ABSENT: None

14. **Discussion on a November, 2017 Referendum to the qualified voters of the City of Rye a proposition for charitable gaming.**

Councilwoman Hurd stated that this issue was brought to her from nonprofit organizations who wanted to pursue raffles and other gaming activity to raise money for charitable purposes. Currently, General Municipal Law does not allow for games of chance, even in the case of charitable purposes. There would need to be a Home Rule adopted.

Corporation Counsel Wilson explained that this issue would require a referendum by state law. There was discussion over the ballot language to be put forth for a resident vote.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein, to set a Public Hearing on July 12, 2017 for the purpose of proposing a Referendum to the qualified voters of the City of Rye a proposition for charitable gaming.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and Tagger-Epstein
NAYS: None

ABSENT: None

15. Home Rule Resolution supporting A07987(Otis)/S6474(Latimer) to authorize the Rye Town Park Commission to extend the lease term for a restaurant located in the park not to exceed twenty years.
Roll Call.

Corporation Counsel Wilson explained that a Home Rule would be needed to extend the lease term for the restaurant located within Rye Town Park.

Councilwoman Killian made a motion, seconded by Mayor Sack, to support the adoption of a Home Rule, A07987(Otis)/S6474(Latimer) to authorize the Rye Town Park Commission to extend the lease term for a restaurant located in the park not to exceed twenty years.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and
 Tagger-Epstein
NAYS: None
ABSENT: None

16. Residents may be heard on matters for Council consideration that do not appear on the agenda.

There was nothing discussed under this agenda item.

17. Resolution to transfer \$200,000 from the Contingent Account to Salaries & Wages for the General Fund, Cable Fund, Boat Fund, Golf Fund, and Building and Vehicle Fund, for the Administrative Pay Group.
Roll Call.

City Manager Serrano explained that the Administrative Pay Group has not received a raise in over two years, and this would give the City the opportunity to reward the department heads for their hard work.

Mayor Sack, Councilwoman Killian and Councilman McCartney stated they were in favor of this resolution.

Mayor Sack made a motion, seconded by Councilman McCartney and unanimously carried, to adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for an increase for the Administrative Pay

Group was provided for in the adopted 2017 budget by \$200,000, and;

WHEREAS, the funds were provided for in the adopted 2017 budget in the Contingent account to be appropriated for this purpose, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$200,000 from the Contingent Account to Salaries & Wages for the General Fund, Cable Fund, Boat Fund, Golf Fund, and Building and Vehicle Fund, for the Administrative Pay Group.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and Tagger-Epstein
NAYS: None
ABSENT: None

18. Resolution to transfer \$26,615 from the Boat Basin Unrestricted Fund balance to the Boat Basin Operating Budget for the for the dredging project consultant fees.
Roll Call.

Councilwoman Hurd explained that this funding was associated with the consultant working with the City on dredging at the Boat Basin.

Councilwoman Hurd made a motion, seconded by Mayor Sack, to adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the Boat Basin dredging project consultant fees were not anticipated and were not provided for in the adopted 2017 budget by \$26,615, and;

WHEREAS, the Boat Basin Unrestricted Fund balance has enough funds to be appropriated for the dredging project consultant fees, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$26,615 from the Boat Basin Unrestricted Fund balance to the Boat Basin Operating Budget for the dredging project consultant fees.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and
Tagger-Epstein
NAYS: None
ABSENT: None

19. Resolution to transfer \$18,060 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.
Roll Call.

City Manager Serrano stated that the school had a need to relocate the nurse's station for ADA compliance purposes to the current Cable TV control room, and therefore the cable TV control room and equipment needed to be moved at the expense of the City.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the relocation of the RyeTV control room at the Rye High School were not anticipated and were not provided for in the adopted 2017 budget by \$18,060, and;

WHEREAS, the Cable TV Unassigned Fund balance has enough funds to be appropriated for the relocation of the RyeTV control room at the Rye High School, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$18,060 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and
Tagger-Epstein
NAYS: None
ABSENT: None

20. Resolution to transfer \$1,205.46 from the Police Donations Fund to the Police General Fund Donations reserved for Police Programs for the purchase of items for the Adopt-a-School Program.
Roll Call.

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City Manager Serrano explained that the Adopt-A-School Program with the school district has been very successful. This would allow police donations to be used for the program.

Councilman McCartney made a motion, seconded by Councilwoman Hurd, to adopt the following resolution:

WHEREAS, the City Manager and the Public Safety Commissioner have approved a request of the Rye Police Department to purchase items to be used in the Adopt-a-School Program in the amount of \$1,205.46 with funds available in the police donations account, and;

WHEREAS, sufficient funds exist in the police donations account to comply with the aforementioned request of the Rye Police Department; now therefore be it;

RESOLVED, that \$1,205.46 be appropriated from the police donations account to increase 2017 General Fund Donations Reserved for Police programs.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and
Tagger-Epstein
NAYS: None
ABSENT: None

21. Resolution authorizing the City Manager to enter into an indemnification agreement with the Town of Harrison and the Village of Harrison for the use of the Town of Harrison Police Department Pistol Range.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to authorize the City Manager to enter into an indemnification agreement with the Town of Harrison and the Village of Harrison for the use of the Town of Harrison Police Department Pistol Range.

22. Consideration of a request by Christ's Church for use of City streets on Sunday, June 11, 2017 from 8:30 a.m. to 12:30 p.m. for their semi-annual picnic.

All were in favor of supporting a request by Christ's Church for use of City streets on Sunday, June 11, 2017 from 8:30 a.m. to 12:30 p.m. for their semi-annual picnic.

23. Miscellaneous communications and reports.

Councilman Mecca showed the Council and those in attendance an indoor DAS node.

24. New Business.

Nothing was discussed under this agenda item.

25. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman Mecca, to adjourn the meeting into an attorney-client meeting at 10:12 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk